Docket No. BPAI-25,675 (39816-01P)

11m/744 V

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/674,022 Applicant: Richard Jones, Jr., et al

Filed: 09/29/03 TC/AU: 1744

MAY 0 8 2006

Examiner: Doerrler, W. C.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450

Date: 5-4-06

Signature: T. Lindsey Scott

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A CO-PENDING PATENT APPLICATION

BP America, Inc, owner of one-hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/674,022 filed on 09/29/03 as such term is defined in 35 USC 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination,

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A Terminal disclaimer fee of \$130.00 under 37CFR 1.20(d) is included. Please charge any underpayment or credit any overpayment in the statutory disclaimer fee to Deposit Account No. 500232.

Date

The undersigned is an attorney of record. Reg. No. 26,230

Signature: F. Lindsey Scott

Telephone: 972.599.2888